

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

TAMBERLY SUE YATES

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

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NO. 2:09-CV-284

ORDER

This Social Security matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated January 5, 2011. In that Report and Recommendation, the Magistrate Judge recommends that the plaintiff's motion for judgment on the pleadings, [Doc. 8], be granted to the extent that the case be remanded to the Commissioner for further development of the medical record, and that the defendant's motion for summary judgment, [Doc. 10], be denied. The defendant has filed objections to this recommendation, [Doc. 13].¹ After careful consideration of the record as a whole, including the Administrative Transcript, and after careful and *de novo* consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby **ORDERED** that the defendant's objections are

¹The defendant's objection mainly focuses upon whether the ALJ abused his discretion by not ordering a consultative exam. However, the remand is for further development of the medical record. This may be done in ways other than a consultative exam. The remand does not specifically direct the ALJ to order a consultative exam.

OVERRULED, that this Report and Recommendation is **ADOPTED** and **APPROVED**, [Doc. 12], that the plaintiff's motion for judgment on the pleadings, [Doc. 8], is **GRANTED** to the extent that the case be remanded to the Commissioner for further development of the medical record, and that defendant's motion for summary judgment, [Doc. 10], is **DENIED**.

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE